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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,110	11/18/2003	Lupi Quinitilio	6330CIP	6121

7590 03/14/2007  
Attn: Arlene J. Powers  
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Suite 3300  
225 Franklin Street  
Boston, MA 02110

EXAMINER
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FEELY, MICHAEL J

ART UNIT	PAPER NUMBER
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1712

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/716,110

Applicant(s)

QUINITILIO, LUPI

Examiner

Michael J. Feely

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/920,149.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Pending Claims*

Claims 1-11 are pending.

### *Response to Amendment*

2. The objection to claims 1-11 has been overcome by amendment.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The rejection of claim 9 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement *stands for the reasons of record*. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is nothing in the specification (instantly or previously filed) that supports the limitations set forth in claim 9. Specifically, there is no mention of the chemical formula (equation)  $\text{SiO}_2 + 3\text{C} = \text{SiC} + 2\text{CO}$ . The claim language includes a product to make the mixture *thixotropic comprised of carbon and corundum, having a chemical formula (equation)  $\text{SiO}_2 +$*

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$3C = SiC + 2CO$ . Corundum is a form of *aluminum oxide*. It is unclear how the chemical formula (equation) can represent a combination of *carbon and corundum* because there is no *aluminum* or *aluminum oxide* in the chemical formula. This chemical formula may represent a commercial CARBOSIL® (carbon and silica); however, this chemical formula does not relate to a combination of *carbon and corundum*.

6. The rejection of claims 1-11 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention *stands for the reasons of record*.

It is unclear what the term “poli-sulfuric polymer” is referring to. This term is not conventionally used in the art. It appears that it could be referring to a polysulfonate, a polysulfide, or any polymer featuring multiple sulfur atoms in the main chain; however, such detail cannot be determined with the instant disclosure. In the specification, Applicant discloses a trade name TEXOS B210W®; however, the Examiner was unable to attain information on this product. Without this information, there is no way of knowing what “poli-sulfuric polymer” is referring to.

Additionally, the claim language includes a product to make the mixture thixotropic *comprised of carbon and corundum, having a chemical formula (equation)  $SiO_2 + 3C = SiC + 2CO$* . Corundum is a form of *aluminum oxide*. It is unclear how the chemical formula (equation) can represent a combination of *carbon and corundum* because there is no *aluminum* or *aluminum oxide* in the chemical formula. This chemical formula may represent a commercial CARBOSIL® (carbon and silica); however, this chemical formula does not relate to a combination of *carbon and corundum*.

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***Response to Arguments***

7. Applicant's arguments filed December 15, 2006 have been fully considered but they are not persuasive.

With respect to the issues in claim 9, Applicant states that the material in question is a CARBOSIL® (carbon and silica) sold by SAMAC in Assago (Milan, Italy). However, as stated above, it is unclear how the chemical formula (equation) can represent a combination of *carbon and corundum* because there is no *aluminum* or *aluminum oxide* in the chemical formula. This chemical formula may represent a commercial CARBOSIL® (carbon and silica); however, this chemical formula does not relate to a combination of *carbon and corundum*.

With respect to the “poli-sulfuric” polymer in claim 1, Applicant states that the material in question is TEXOS® B210W – *mixture of epoxy resin with poly-sulphuric polymers*. This may be the case, but it still remains unclear what the term “poli-sulfuric polymer” is referring to. This term is not conventionally used in the art. It appears that it could be referring to a polysulfonate, a polysulfide, or any polymer featuring multiple sulfur atoms in the main chain. Such detail cannot be determined with the disclosure of trade name TEXOS B210W®. Without further information on this product, there is no way of knowing what “poli-sulfuric polymer” is referring to.

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***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

*Communication*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Feely whose telephone number is 571-272-1086. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael J. Feely  
Primary Examiner  
Art Unit 1712

March 13, 2007

**MICHAEL FEELY  
PRIMARY EXAMINER**